

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	CONSENT ORDER OF
or Suspension of the Educators)	
)	VOLUNTARY SURRENDER
Certificate of David W. O'Brien)	
)	
Certificate # 098907)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 13, 2003. On September 5, 2002, the State Department of Education (Department) sent a notice of the possible suspension or revocation of his South Carolina Educator's certificate (certificate) to Mr. David W. O'Brien by certified mail, return receipt requested, delivery restricted to addressee. Mr. O'Brien received the notice, as evidenced by the signed postal receipt. Mr. O'Brien initially requested a hearing, but subsequently withdrew his request and voluntarily surrendered his certificate. This surrender will be reported to the NASDTEC Clearinghouse and all South Carolina school districts as a surrender/revocation with the statutory reasons listed as unprofessional conduct and "commission of a crime." After considering the evidence presented, the State Board voted to accept the voluntary and permanent surrender of Mr. O'Brien's certificate.

FINDINGS OF FACT

Mr. O'Brien holds a valid South Carolina certificate, and has over 26 years of teaching experience. He was under contract with Sumter School District 17 (District) for the 2001-2002 school year as a teacher at the Sumter Resource Center. On September 1, 2001, he resigned his employment with the District, after pleading guilty to violating federal law by making false statements to government officials. The crime involved using money that was directly deposited into his late mother-in-law's bank account from the Veteran's Administration. The mother-in-law was entitled to VA benefits because her late husband was a veteran. She died in 1991, but O'Brien did not report her death until he filed a false death certificate

in September 2000. He did return status report forms from the VA in 1993 and earlier in 2000 stating that the deceased was still alive. Information supplied by the United States Attorney' Office indicate that Mr. O'Brien was sentenced to six months of home monitoring, and was ordered to repay the money (\$90,503) to the federal government.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (1990). Just cause includes: "Unprofessional conduct, and Crime against the law of this State or the United States." S.C. Code Ann. § 59-25-160 (1990). The State Board finds that the preponderance of the evidence presented supports its decision to accept the voluntary and permanent surrender of Mr. O'Brien's certificate # 098907, effective May 13, 2003.

South Carolina State Board of Education

By: /S/Greg Killian

Columbia, South Carolina

May 13, 2003